THE HONOURABLE SRI JUSTICE P.S.NARAYANA

W.P.No. 15915 OF 2006

Dated: 01-08-2006

Between:
S.Jayaramaiah Petitioner

And
The State Election Commission and others Respondents

THE HONOURABLE SRI JUSTICE P.S.NARAYANA

W.P.No. 15915 OF 2006

ORDER:

1. This writ petition is filed for a Writ of Mandamus declaring the order of the 2nd respondent in Roc. No.A2/1520/2006 dated 24.07.2006 as illegal and consequently direct the respondents to locate polling station of 8th ward in M.P.P.School, S.R.Colony and pass such other suitable orders.

2. Several factual details had been narrated. It is stated at Para 5 of the affidavit filed in support of the writ petition that it is relevant to state that majority of S.R.Nagar (Yanadi Colony) village consists voters belong to ST, out of total voters of 7th and 8th ward 355 voters belong to category. In so far as 8th ward is concerned out of total 205 voters 155 voters belong to S.T. category and he also belongs to S.T. Category. It is also stated that under the rules issued by notification No. 348/SEC-B2/2006 dated 25.04.2006, 1st respondent instructed the authorities to locate the polling stations within SC/ST locality. In the instant case the authorities have violated the said rule. It is also relevant to state that the 1st respondent directed the authorities to locate polling stations at the same place where it was located in the last ordinary elections. It is also relevant here to state that during 2001 Gram Panchayat elections all the polling booths were notified and located in the premises of K.R.Kandriga village and S.R.Colony and the election was held peacefully without any untoward incident and allegations of any malpractice. It is also further stated that if all the ST

of the 8th ward of the village have exercised their franchise in a hamlet which is far away, they are not in a position to exercise their franchise freely and fairly. As such the petitioners along with other villagers have made representation on 25.07.2006 to the State Election Commission, The District Collector and the Revenue Divisional Officer, Rajampet. In the representation it is specifically stated that Jangativaripalli is only an hamlet and the same is 4 KM away from the S.R.Colony hamlet. The action of the respondents in locating the polling booths in a hamlet which is far away from the S.R.colony and also a sensitive village is only on extraneous considerations.

3. Several other factual details had been narrated. The instructions received in Roc. No.A2/1520/2006 dated 24-07-2006 is placed before this court.

4. Prime facie, as per the instructions submitted before this court, it appears that the instructions or the guidelines issued by the State Election Commission had not been kept in view.

5. Be that as it may, it is stated that on 25-07-2006 representation was made to the State Election Commission and also District Collector, Kadapa, and Revenue Divisional Officer, Rajampet.

6. In the light of the facts and circumstances referred to supra, the respondents 2 and 3 to consider the representation in proper perspective. Even otherwise, liberty is given to the petitioner to approach concerned Superintendent of Police for securing additional security if any law and order problem would arise in relation to the free and fair poll.

7. With the above observation, the writ petition is disposed of. No order as to costs. These circumstances also may have to be kept in view and the guidelines already issued by the election commission also may have to be looked in proper perspective.

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01-08-2006

B/o.
Stp